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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ADAM SHAW, PETER GOLIGHTLY,  
JUSTIN TURNER, and JOSHUA  
STANSFIELD, as individuals and on  
behalf of others similarly situated and  
the general public,

Plaintiffs,

vs.

WIZARDS OF THE COAST, LLC,  
Defendant.

Case No. 5:16-cv-01924-EJD

**JOINT STIPULATION TO  
CONTINUE THE DECEMBER 8,  
2016 SCHEDULING  
CONFERENCE**

Complaint Filed: April 12, 2016  
Trial Date: None

1 Plaintiffs ADAM SHAW, PETER GOLIGHTLY, JUSTIN TURNER, and  
2 JOSHUA STANSFIELD (“Plaintiffs”) and Defendant WIZARDS OF THE  
3 COAST LLC (“Defendant” or “Wizards”), the parties to this action, through their  
4 respective undersigned counsel of record, hereby stipulate and agree as follows:

5 WHEREAS, on October 29, 2015, Paul Yale filed a putative class action  
6 against Wizards, Case No. 15-CV-06337-EJD (the “Yale Action”).

7 WHEREAS, the operative complaint in the Yale Action asserts claims  
8 against Wizards under to the FLSA, California *Labor Code*, and California  
9 *Business & Professions Code*, and seeks to represent “Judges.”

10 WHEREAS, on February 2, 2016, Wizards filed a Motion to Dismiss the  
11 First Amended Complaint in the Yale Matter pursuant to FRCP Rule 12(b)(6),  
12 which was taken under submission by this Court on June 6, 2016.

13 WHEREAS, on April 12, 2016, Plaintiffs filed the instant putative class  
14 action against Wizards (the “Shaw Action”), which asserts claims against Wizards  
15 under to the FLSA, California *Labor Code*, and California *Business & Professions*  
16 *Code*, and also seeks to represent “Judges.”

17 WHEREAS, on June 1, 2016, Wizards filed an administrative motion to  
18 consider whether the Yale Action and Shaw Action should be deemed related under  
19 Civil Local Rule 3-12 (the “Administrative Motion”);

20 WHEREAS, on July 15, 2016, the Court ruled on the Administrative Motion,  
21 and this action was deemed related to the Yale Matter [Docket No. 18].

22 WHEREAS, on July 15, 2016, the Court issued an order setting the case  
23 management conference in this case for September 29, 2016 [Docket No. 21].

24 WHEREAS, on September 2, 2016, the Parties met and conferred  
25 telephonically for purposes of conducting the FRCP Rule 26(f) early conference of  
26 counsel in advance of the September 29, 2016 case management conference. At  
27 the outset of that meeting, the parties discussed the pending Motion to Dismiss in  
28

1 the Yale Action, and mutually agreed that it was premature to conduct the FRCP  
2 Rule 26(f) conference in substance while that Motion to Dismiss remains  
3 pending. Accordingly, on September 9, 2016, the parties submitted a Joint  
4 Stipulation to Continue the September 29, 2016 Scheduling Conference [Docket  
5 No. 24], which was granted by Order dated September 13, 2016 [Docket No. 25].

6 WHEREAS, pursuant to the Court's September 13, 2016 Order [Docket No.  
7 25], the Scheduling Conference is currently set for December 8, 2016.

8 WHEREAS, on December 1, 2016, the parties filed a Joint Stipulation to File  
9 a First Amended Complaint, wherein Plaintiffs seek to, *inter alia*, add an additional  
10 cause of action under California's Private Attorneys General Act. [Docket No. 29.]

11 WHEREAS, in light of the fact that the Yale Action and Shaw Action are  
12 now related, the parties agree that a brief continuance of the scheduling conference  
13 will enable the parties and the Court to determine how to proceed going forward in  
14 the two cases in the event that the Motion to Dismiss is denied or Mr. Yale is  
15 permitted leave to amend his complaint. Additionally, because the parties have  
16 stipulated to the filing of a First Amended Complaint, the pleadings will not yet be  
17 at issue if the stipulation is granted prior to December 8, 2016. A brief continuance  
18 of the December 8, 2016 scheduling conference will provide the Court with  
19 sufficient time to issue a ruling on the Motion to Dismiss in the Yale Action, rule  
20 on the Joint Stipulation to File a First Amended Complaint, and if granted, provide  
21 Defendant to sufficient time to respond to the First Amended Complaint so that the  
22 pleadings can be settled prior to appearing for a scheduling conference.

23 THEREFORE, the Parties request the Court continue the December 8, 2016  
24 scheduling conference, including all related deadlines, to January 12, 2017, or a  
25 date thereafter that is convenient to the Court and to the Parties.

1 DATE: December 1, 2016

FISHER & PHILLIPS LLP

2  
3 By: /s/ Shaun J. Voigt  
4 KARL R. LINDEGREN  
5 SHAUN J. VOIGT  
6 Attorneys for Defendant

7  
8 DATE: December 1, 2016

LAW OFFICES OF ROSS CORNELL, APC

9 By: /s/ Ross Cornell  
10 ROSS CORNELL, ESQ.  
11 Attorneys for Plaintiffs

12 **ATTESTATION**

13 I, Shaun J. Voigt, am the ECF user whose User ID and Password are being  
14 used to file this Joint Stipulation to Continue the Scheduling Conference  
15 (“Stipulation”). In compliance with Local Rules, I attest that concurrence in the  
16 filing of this Stipulation has been obtained from signatory Reuben D. Nathan, Esq.

17  
18 DATE: December 1, 2016

FISHER & PHILLIPS LLP

19 By: /s/ Shaun J. Voigt  
20 KARL R. LINDEGREN  
21 SHAUN J. VOIGT  
22 Attorneys for Defendant

**PROOF OF SERVICE**  
(CCP § 1013(a) and 2015.5)

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; am employed with the law offices of FISHER & PHILLIPS LLP and my business address is 2050 Main Street, Suite 1000, Irvine, California, 92614.

On **December 1, 2016**, I served the foregoing document entitled **JOINT STIPULATION TO CONTINUE THE DECEMBER 8, 2016 SCHEDULING CONFERENCE**, on all the appearing and/or interested parties in this action by placing ☐ *the original* ☒ *a true copy* thereof enclosed in sealed envelope(s) addressed as follows:

**SEE ATTACHED MAILING LIST**

☐ **[by MAIL]** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one day after date of deposit for mailing this affidavit.

☒ **[by ELECTRONIC SUBMISSION]** - I served the above listed document(s) described via the United States District Court's Electronic Filing Program on the designated recipients via electronic transmission through the CM/ECF system on the Court's website. The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the filing party, the assigned judge, and any registered users in the case. The NEF will constitute service of the document(s). Registration as a CM/ECF user constitutes consent to electronic service through the court's transmission facilities.

☐ **[by FEDERAL EXPRESS]** I am readily familiar with the firm's practice for collection and processing of correspondence for overnight delivery by Federal Express. Under that practice such correspondence will be deposited at a facility or pick-up box regularly maintained by Federal Express for receipt on the same day in the ordinary course of business with delivery fees paid or provided for in accordance with ordinary business practices.

☒ **FEDERAL** - I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **December 1, 2016** at Irvine, California.

Everlyn Camanag

Print Name

By: /s/ Everlyn Camanag

Signature

PROOF OF SERVICE

MAILING LIST

<p> 1 Matt Righetti, Esq.  2 John Glugoski, Esq.  3 RIGHETTI GLUGOSKI, PC  4 456 Montgomery St., Suite 1400  5 San Francisco, CA 94101  6 Telephone: (415) 983-0900  7 Facsimile: (415) 397-9005  8 Email: <a href="mailto:matt@righettilaw.com">matt@righettilaw.com</a>  9 Email: <a href="mailto:jglugoski@righettilaw.com">jglugoski@righettilaw.com</a> </p>	<p> Attorneys for Plaintiffs,  ADAM SHAW, PETER  GOLIGHTLY, JUSTIN TURNER,  and JOSHUA STANSFIELD </p>
<p> 10 Reuben D. Nathan, Esq.  11 NATHAN &amp; ASSOCIATES, APC  12 2901 West Pacific Coast Hwy., Suite 350  13 Newport Beach, CA 92663  14 Telephone: (949) 263-5992  15 Facsimile: (949) 209-1948  16 Email: <a href="mailto:rnathan@nathanlawpractice.com">rnathan@nathanlawpractice.com</a> </p>	<p> Attorneys for Plaintiffs,  ADAM SHAW, PETER  GOLIGHTLY, JUSTIN TURNER,  and JOSHUA STANSFIELD </p>
<p> 17 Ross Cornell, Esq.  18 ROSS CORNELL, ESQ., APC  19 111 W. Ocean Blvd., Suite 400  20 Long Beach, CA 90802  21 Telephone: (562) 612-1708  22 Facsimile: (562) 394-9556  23 Email: <a href="mailto:ross.law@me.com">ross.law@me.com</a> </p>	<p> Attorneys for Plaintiffs,  ADAM SHAW, PETER  GOLIGHTLY, JUSTIN TURNER,  and JOSHUA STANSFIELD </p>

PROOF OF SERVICE